

COASTAL CONSERVANCY

Staff Recommendation

April 24, 2008

**BEL MARIN KEYS UNIT V –PARCEL 07  
DISPOSITION PLAN**

File No. 99-108-02

Project Manager: Tom Gandesbery

**RECOMMENDED ACTION:** Approval of the implementation plan (Exhibit 1) for the disposition of the “Parcel 07” property of the Bel Marin Keys Unit V property (Marin County Assessor’s Parcel Number 171-157-07) directing sale of the property to carry out the plan for wetland restoration of the Bel Marin Keys Unit V, and authorization for the Executive Officer to direct the Department of General Services to transfer the property in accordance with the implementation plan, and take such other action as necessary to carry out the plan.

**LOCATION:** Marin County

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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**EXHIBITS**

Exhibit 1: [Implementation Plan](#)

Exhibit 2: [Project Location](#)

Exhibit 3: [Detailed site maps](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby:

1. Adopts the Bel Marin Keys Unit V -07 Parcel Disposition Plan (Exhibit 1), to implement the sale of “Parcel 07” of the Bel Marin Keys Unit V property (Marin County Assessor’s Parcel Number 171-157-07) in order to carry out wetland restoration of the Bel Marin Keys Unit V expansion of the Hamilton Wetland Restoration Project as envisioned in the Supplemental Environmental Impact Statement and Report, adopted by the Conservancy in 2004;
2. Directs the Department of General Services to transfer Parcel 07 substantially in accordance with the implementation plan subject to the following conditions:

- a. A public access easement shall be dedicated or conveyed over property providing a potential bay trail connection, in a location and upon terms acceptable to the Executive Officer of the Conservancy.
  - b. Title to the Parcel shall be transferred to the highest responsible bidder pursuant to the Parcel Disposition Plan,
  - c. Proceeds from the sale of the property shall be deposited in a Conservancy account.
3. Directs the Executive Officer to review and approve the terms and conditions of the reservation of a public access easement as well as all other documents relating to the transfer and to take such other action as is necessary to complete the disposition of Parcel 07.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Conservancy has completed planning for the Bel Marin Keys Unit V (BMKV) expansion of the Hamilton Wetland Restoration Project, adopted by the Conservancy in 2004, and as described in the Disposition Plan, Parcel 07 is unnecessary to the purposes of the project. Therefore, pursuant to the provisions of the restoration plan and Public Resources Code Section 31107, the property may be conveyed out of state ownership;
2. Transfer of Parcel 07 pursuant to the property disposition plan is necessary to implement the Hamilton BMKV wetland restoration project, approved by the Conservancy in 2004, and is consistent with the authority of the Conservancy under Section 31107 of the Public Resources Code and with the Property Disposition Procedures developed by the Conservancy and the Department of General Services pursuant to Section 31107.1 of the Public Resources Code.”
3. The proposed project is consistent with the purposes and criteria set forth in Chapter 4.5 (Sections 31160-31165) of Division 21 of the Public Resources Code regarding the enhancement of natural resources of the San Francisco Bay Area.
4. Retention of the public access easement and completion of property disposition is consistent with the Project Selection Criteria and Guidelines last updated on September 20, 2007.”

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## **PROJECT SUMMARY:**

**Summary:** The State Coastal Conservancy intends to sell an approximately eight acre portion of State-owned property that it administers, known as Bel Marin Keys Unit V (BMKV). The larger, 1600-acre BMKV property was purchased by the Conservancy for the purpose of wetland restoration. However, the subject property is a remnant parcel that is not needed for the restoration project, except as to alignment of the San Francisco Bay Trail. The bulk of the property presents management costs and poses on-going liability to the state. The property is located near the city of Novato in Marin County and is Assessor’s Parcel Number 157-171-07.

**Site Description:** The subject property is 7.93 acres in size and is located immediately north of

Bel Marin Keys Blvd. The site is bordered to the north by Novato Creek, to the west by dredge material drying ponds owned by the Bel Marin Keys Community Services District and to the east by the gates to the Bel Marin Keys community (Exhibit 2). The parcel is therefore separated from the rest of BMKV by the road, and through environmental planning and analysis, was found to be unnecessary for the restoration project. In its current condition, the parcel presents an unnecessary liability to the Conservancy, as it has been the subject of illegal dumping and vandalism.

**Project History:** The subject property is one of nine parcels that make up the BMKV property. The Coastal Conservancy purchased the subject property as part of a large acquisition in 2002 for the purpose of expanding the existing Hamilton Wetland Restoration Project. The entire Conservancy-administered property ("the BMKV property") consists of assessor's parcel numbers: 157-171-07 (the subject parcel) as well as APNs: 157-172-06; 157-172-07; 157-172-08; 157-172-35; 157-172-36; 157-172-37; 157-172- 38 and 157-570-09. The Hamilton property is located immediately south of the larger BMKV site (Exhibit 2). This larger BMKV property is immediately north of the 900-acre former Hamilton Army Airfield, also owned by the Conservancy and the subject of the current wetland restoration project. That project is carried out by the U.S. Army Corps of Engineers and Conservancy. An approximately 700-acre portion of the BMKV property is leased for oat hay production; however, the subject parcel is not farmed, nor has it been farmed for many decades. The subject parcel was originally part of a large farm, but was split from the BMKV farm when the adjacent Bel Marin Keys residential community was first built in the 1960s (Exhibit 2).

In 2004 the Conservancy completed a Supplemental Environmental Impact Statement and Report for the restoration of BMKV as an expansion of the existing Hamilton Wetland Restoration Project. The plan is available on the Conservancy's website. One outcome of restoration planning was that the Conservancy, the Corps, and its contractors agreed that the subject parcel would not be part of the restoration project. This is largely because the parcel is not contiguous with the other BMKV parcels and is unsuitable for other project uses. Most problematic from an open space-planning perspective is that the parcel is located across a busy roadway from the BMKV restoration site. Uses such as parking and interpretation were considered; however, the restoration plan concludes that there are superior parking and public access points. However, there is a bay trail planning effort, headed by Marin County and City of Novato and initial discussions with the planning committee identified this parcel as an area for a future extension of the San Francisco Bay Trail. Therefore, the Conservancy would retain a public access easement or dedication across the eastern end of the property to allow for future alignment of the San Francisco Bay Trail. The specifications for such an easement have not been drafted but would likely reserve an area approximately 50 feet in width along the extreme eastern portion of the property.

**4. Disposition Process:** The Conservancy will follow the attached Disposition Plan which may include the following steps:

- ✓ Identify the location and alignment needed for the S.F. Bay Trail easement to be retained by the Conservancy
- ✓ Complete a new appraisal

- ✓ Purchase a title report and a chain of title
- ✓ Acquire a certificate of compliance from the county of Marin.
- ✓ Engage state Department of General Services brokerage and services
- ✓ Advertise in major and regional media, as well as Multiple Listing Service.
- ✓ Hold silent auction at Conservancy office.

## **PROJECT FINANCING:**

### **Project Cost**

<b>DGS Staff costs</b>	<b>\$20,000</b>
<b>Disposition Plan Transactional Costs</b>	<b>\$5,000</b>

Staff anticipates using funds previously authorized for implementation of the Hamilton Wetlands Restoration Project. Some staff time will be expended to carryout this disposition. Additionally, the Department of General Services will expend staff time to assist with the disposition and sales process. Additional costs include the independent appraisal, title report and certificate of compliance.

## **CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

Bel Marin Keys Unit V was acquired pursuant to Section 31251 of Division 21 of the Public Resources Code, which enables the Conservancy to assemble parcels of land which have suffered a loss of natural and scenic values to improve resource management. Acquisition of BMKV was also consistent with Sections 31160-31163 of the Public Resource Code, which directs the Conservancy to address resource goals in the San Francisco Bay Area.

Public Resources Code Section 31107 requires that the Director of General Services transfer any land acquired pursuant to Division 21 when so requested by the Conservancy, pursuant to an implementation plan approved by the Conservancy. Pursuant to Section 31107.1 of the Public Resources Code, the Conservancy and the Department of General Services have established procedures to ensure that Conservancy property transactions “are carried out efficiently and equitably and with proper notice to the public.” The Property Disposition Plan is consistent with the Conservancy’s authority to dispose of property acquired pursuant to Division 21 and procedures established with the Department of General Services. Section 31011 specifies that, unless otherwise provided in Division 21, any funds received by the Conservancy pursuant to that Division shall be deposited in the Coastal Conservancy Fund.

**CONSISTENCY WITH CONSERVANCY'S  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The sale of the property is consistent with **Objective 10 C** in that it will assist the Conservancy to restore tidal, sub-tidal, and seasonal wetlands on the Hamilton-BMKV property, a project totaling nearly 2,600 acres in size. Sale of this property will allow the Conservancy to focus more resources on the completion of Hamilton-BMKV.

**CONSISTENCY WITH CONSERVANCY'S  
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The Hamilton –BMKV wetlands restoration project enjoys wide support from environmental groups, land conservation organizations, state and local government.
4. **Location:** The subject property is located on Novato Creek, across the road from the entrance to the larger BMKV property, which has a street address of 836 Bel Marin Keys Boulevard (Exhibit 2). The property is located in Marin County and is near but outside the city limits of the City of Novato.
5. **Need:** The subject property presents an on-going liability to the state and is a drain on fiscal and staff resources.
6. **Greater-than-local interest:** Other than Conservancy and DGS staff time, the sale will not cost the state anything and will result in revenue. The Hamilton-BMKV wetland restoration project is one of the largest and most ambitious projects of its kind anywhere in the country. Disposal of this property will help the Conservancy to complete the restoration project.

**Additional Criteria**

7. **Urgency:** The property represents an on-going liability to the Conservancy. Disposal of the parcel will reduce the state's exposure and property management costs and will result in much needed revenue for the wetland project. While the real estate market has softened in most regions of the country, Marin County property values remain high and the market is not expected to change within the next year. Marin is a slow growth county with a high demand for build-able lots. Staff expects that there will be great interest in this property.
8. **Resolution of more than one issue:** Disposal of the property will reduce on-going liability to the state and will reduce property management costs, while simultaneously bring in much needed revenue.

14. **Return to Conservancy:** See the “Project Financing” section above.

**CONSISTENCY WITH SAN FRANCISCO BAY PLAN:**

The subject property is located on Novato Creek but upstream and therefore beyond the limit of BCDC jurisdiction.

**COMPLIANCE WITH CEQA:** This action is categorically exempt from CEQA pursuant to the CEQA Guidelines 14 Cal. Code Regs. §15312, Sale of Surplus Government Property. The parcel is not located within an area of statewide significance. Staff will file a Notice of Exemption upon approval of the project.